

**Before the  
Federal Communications Commission  
Washington, DC 20554**

<b>In the Matter of</b>	)	
	)	
<b>Implementation of Short-term Analog Flash</b>	)	<b>MB Docket No. 08-255</b>
<b>And Emergency Readiness Act; Establishment</b>	)	
<b>of DTV Transition "Analog Nightlight"</b>	)	
<b>Program</b>	)	

**SUPPLEMENTAL COMMENTS OF FREE  
STATE COMMUNICATIONS, LLC**

**Before the Commission:**

Free State Communications, LLC ("Free State"), licensee of television station KTKA-TV, channel 49, and permittee of KTKA-DT, channel 48, Topeka, Kansas, Facility ID No. 49397, by its attorneys, hereby files the following supplemental comments in order to update its initial comments in response to the Notice of Proposed Rulemaking in the above-referenced proceeding.

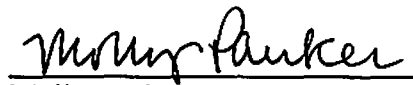
As the attached Engineering Statements indicates, at the time Free State's initial comments were filed on January 5, 2009, it was assumed that an application to modify the construction permit for new station KRBK-DT, channel 49, Osage Beach, Missouri, Facility ID No. 166319, File No. BPCDT-20080411ABZ, had not yet been granted, and therefore KRBK-DT could not be considered as an operating station. Subsequently, grant of that application as of December 30, 2008 was reported by Public Notice Report No. 46898, released January 8, 2009. The Engineering Statement attached to these comments takes into account that subsequent grant and demonstrates that, even should KKBK-DT commence operation with the digital facilities authorized in its current construction permit, KTKA-TV's post-transition analog "nightlight" operation on channel 49 will provide the requisite protection to KRBK-DT's facilities.

As Free State could not have known about the aforementioned grant prior to filing its initial comments, we respectfully request that these supplemental comments be accepted without prejudice to their late filing.

Respectfully submitted,

FREE STATE COMMUNICATIONS, LLC

By its attorneys

A handwritten signature in black ink, reading "Molly Pauker". The signature is fluid and cursive, with the first name "Molly" and last name "Pauker" clearly distinguishable. It is positioned above a horizontal line.

Molly Pauker  
Cinnamon Mueller  
2156 Wisconsin Avenue, NW  
Washington, DC 20007  
202-387-0953

January 13, 2009

# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 46898

## Broadcast Actions

1/8/2009

<u>STATE</u>	<u>FILE NUMBER</u>	<u>E/P</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
Actions of: 12/30/2008					
DIGITAL TV APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY GRANTED					
MO	BPCDT-20080411ABZ		KRBK-DT 166319	KOPLAR COMMUNICATIONS INTERNATIONAL, INC.	Engineering Amendment filed 06/27/2008
		E	CHAN-49	MO , OSAGE BEACH	Engineering Amendment filed 10/29/2008
GA	BPCDT-20080617ADR		WELF-DT 60825	TCCSA, INC., D/B/A TRINITY BROADCASTING NETWORK	Minor change in licensed facilities, callsign WELF-TV.
		E	CHAN-16	GA , DALTON	Engineering Amendment filed 10/06/2008
NC	BPCDT-20080619AII		WLXI-DT 54452	RADIANT LIFE MINISTRIES, INC.	Minor change in licensed facilities, callsign WLXI-TV.
		E	CHAN-43	NC , GREENSBORO	Engineering Amendment filed 09/22/2008
NJ	BPCDT-20080620ABX		WMBC-TV 43952	MOUNTAIN BROADCASTING CORPORATION	Minor change in licensed facilities, callsign WMBC-TV.
		E	CHAN-18	NJ , NEWTON	

## NOTICE - EMERGENCY ROAD SERVICE

Your policy includes Emergency Road Service. Please keep in mind you only have the coverages which are listed on your declarations page for which a premium is shown.

A provision for obtaining service under the amendment for Emergency Road Service is included.

**You** may secure service under this amendment in the following manner:

### SIGN AND DRIVE

The first method, called sign and drive, features a toll-free number in which the **insured** calls a GEICO Emergency Road Service representative who will dispatch a service vendor. Upon verification of Emergency Road Service (ERS) coverage, reasonable and necessary charges for covered services provided will be automatically billed to the Company by the Service vendor. The **insured** need only sign a receipt at the time of service which authorizes the company to directly pay the service vendor. Any additional mileage, other fees not specifically addressed above, or lockout services in excess of \$100 will be at the **insured's** expense.

### HIRED SERVICES

The second method occurs when the **insured** does not use the sign and drive feature described above and hires services without prior approval from the Emergency Road Service (ERS) Department. Upon verification of Emergency Road Service (ERS) coverage, for covered services provided up to a limit of \$50 will apply. Lockout services are limited to \$100. Requests for reimbursement must be accompanied by an original itemized receipt and must be submitted within 60 days of service.

Please read your Family Automobile Insurance Policy, Emergency Road Service Amendment, and related Amendments for the specific terms and conditions regarding the changes to your policy.

Thank you for insuring with us. We look forward to serving you for many years to come.

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ENGINEERING STATEMENT IN  
SUPPORT OF SUPPLEMENTAL COMMENTS

MB DOCKET 08-255  
Free State Communications, LLC  
Topeka, KS

January 13, 2009

Prepared For: Mr. Stephen Schneider  
Free State Communications, LLC  
2121 SW Chelsea  
Topeka, KS 66614

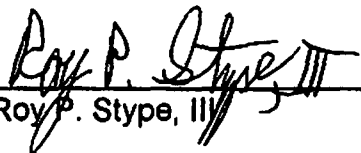
**CARL E. SMITH CONSULTING ENGINEERS**

ENGINEERING AFFIDAVIT

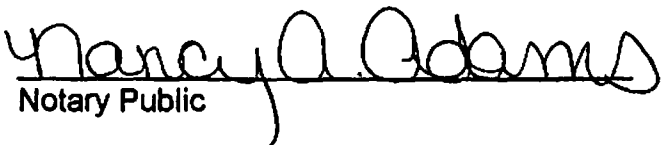
State of Ohio                     )  
  ) ss:  
County of Summit                )

Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Free State Communications, LLC to prepare the attached "Engineering Statement In Support Of Supplemental Comments - MB Docket 08-255".

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

  
\_\_\_\_\_  
Roy P. Stype, III

Subscribed and sworn to before me on **January 13, 2009**.

  
\_\_\_\_\_  
Notary Public

/SEAL/

NANCY A. ADAMS, Notary Public  
Residence - Cuyahoga County  
State Wide Jurisdiction, Ohio  
My Commission Expires Sept. 28, 2010

## ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Free State Communications, LLC, licensee of KTKA-TV and paired DTV station KTKA-DT, both of which are licensed to Topeka, Kansas. It supports supplemental comments in MB Docket 08-255 ("The Analog Nightlight Proceeding").

KTKA-TV is presently licensed for analog operation on Channel 49 with a maximum effective radiated power of 2690 kilowatts at 453 meters above average terrain using a directional antenna. KTKA-DT is presently licensed for digital operation on Channel 48 with a maximum effective radiated power of 55 kilowatts combined into the same directional antenna used by KTKA-TV and holds a construction permit for post-transition digital operation on Channel 49 using this same directional antenna with a maximum effective radiated power of 89.1 kilowatts.

Because of unanticipated delays in procuring the necessary new mask filter to permit KTKA-DT to move from Channel 48 to Channel 49 on the transition date, the station is filing a request, pursuant to the provisions of Paragraphs 92 and 93 of the *Report and Order* in MB Docket 07-91 (Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television) to permit it to continue DTV operation on Channel 48 for a limited period of time after the February 17 transition date. As a result, KTKA-TV filed comments in this proceeding documenting that it should be possible for KTKA-TV to continue analog operation on Channel 49 after February 17 to participate in the "Analog Nightlight" program even though it was not one of the stations listed in the *Notice of Proposed Rulemaking* in this proceeding as being eligible to participate in this program based on their compliance

with a conservative set of spacing requirements which would guarantee that, without any doubt, their continued analog operation would not cause any interference to any authorized post-transition DTV station.

KTKA-TV's comments in this proceeding documented that continued analog operation on Channel 49 would not result in excessive interference to any operating post-transition DTV station requiring protection consideration. One basis for this claim was the fact that the application to modify the construction permit for new TV station KRBK - Osage Beach, Missouri to permit it to initially commence operation as a digital station had not yet been granted and, therefore, it could not be considered as an operating station. The KRBK-DT post-transition construction permit was subsequently granted. These supplemental comments are being submitted to document that, even if KRBK-DT commences operation with the digital facilities authorized by this construction permit, post-transition analog "nightlight" operation on Channel 49 by KTKA-TV will provide the required protection to these construction permit facilities.

Table 1.0 details the results of OET 69 interference studies to the facilities authorized by the KRBK-DT construction permit. As shown in this table, when compared to operation with the Channel 49 facilities authorized by KTKA-TV's post-transition construction permit, the continued post-transition analog operation of KTKA-TV will only be predicted to cause additional interference to 27 persons, or 0.005% of the population predicted to receive post-transition DTV service. This is substantially below the 0.1% limit for new interference proposed in the *Notice of Proposed Rulemaking* in this proceeding and, as a result, should not be an obstacle to KTKA-TV's participation in the proposed nightlight program.



TABLE 1.0

OET 69 INTERFERENCE STUDIES  
 KRBK-DT - OSAGE BEACH, MO  
(POST-TRANSITION CP FACILITIES)  
 Free State Communications, LLC  
 Topeka, KS

STATION BEING STUDIED

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
KRBK-DT	Osage Beach, MO	49	DTV	CP	BPCDT-20080411ABZ

STATIONS CONSIDERED IN STUDY

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
KNWA-TV	Rogers, AR	50	DTV	CP	BMPCDT-20040803ABU
WDKA-DT	Paducah, KY	49	DTV	CP	BMPCDT-20080620AIQ
KGEB-DT	Tulsa, OK	49	DTV	Licensed	BLCDT-20060817ADB
KTKA-TV	Topeka, KS	49	NTSC	Proponent	

STUDY RESULTS INCLUDING KTKA-DT CHANNEL 49 CP FACILITIES

	POPULATION	AREA (sq km)
within Noise Limited Contour	570564	25396.0
not affected by terrain losses	566455	25010.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	102	12.1
lost to ATV IX only	102	12.1
lost to all IX	102	12.1

STUDY RESULTS INCLUDING KTKA-TV CHANNEL 49 NTSC FACILITIES

	POPULATION	AREA (sq km)
within Noise Limited Contour	570564	25396.0
not affected by terrain losses	566455	25010.4
lost to NTSC IX	39	16.1
lost to additional IX by ATV	90	8.0
lost to ATV IX only	90	8.0
lost to all IX	129	24.1

TABLE 1.0(cont'd)

SUMMARY OF STUDY RESULTS

	With KTKA-DT <u>CP</u>	With Licensed <u>KTKA-TV</u>	<u>Increase/(Decrease)</u>
DTV Service	566,353	566,326	(27)

Note: Based on the benchmark DTV Service Value of 566,455, this additional interference to KRBK-DT's post-transition construction permit facilities amounts to only 0.005%, which complies with the limit of 0.1% proposed for stations participating in the analog nighttime program.